



PATENT  
Attorney Docket **045636-5070-US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Pierre Hoerner et al.** )  
 )  
Application No. **10/630,923** ) Art Unit: **1772**  
 )  
Filed: **July 31, 2003** ) Examiner: **Sandra M. Nolan**  
 )  
For: **Multilayer Elastomeric Material Containing** )  
**Active Chemical Substance, and Uses Thereof** )

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Amendment**  
Randolph Building  
Alexandria, VA 22314

**TRANSMITTAL FORM**

- Transmitted herewith is an Amendment and Response Under 37 C.F.R. § 1.111 in response to the non-final Office Action dated September 15, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from December 15, 2004 to January 15, 2005, the fee for which is \$120.00 as set out in 37 C.F.R. § 1.17(a). If an additional extension of time is required, please consider this a Petition therefor. This request is being filed under the next business day rule on Tuesday, January 18, 2005 as the due date for responding fell on a Saturday (January 15, 2005) and Monday (January 17, 2005) was a Federal Holiday.
- Fee Calculation (37 C.F.R. § 1.16):

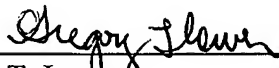
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	24	minus	24	0	\$50.00 each=	0.00
Independent Claims	1	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple Dependent Claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

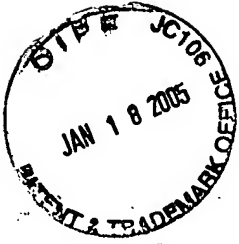
- Fee Payment: The Commissioner is hereby authorized to charge **\$120.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee.

5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 0-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **January 18, 2005**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

This response is in reply to the Office Action mailed September 15, 2004, the time for responding to which has been extended through January 15, 2005 by the filing of a petition for a one-month extension of time and authorization for fee payment. The response is timely filed on January 18, 2005 due to January 15 being a Saturday and Monday, January 17 being a Federal holiday. Applicants respectfully request reconsideration of the subject application in view of the following amendments and remarks.

**Amendments to the Claims** being on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

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